LIVING TOGETHER

578 repeatedly they intervene, and seek to set things right by the
627 pressure of their personality. They ridicule, admonish and threaten the wrongdoer, and leave it at that. This intervention is often effective and succeeds in achieving the desired result. Disputes may be specially referred to influential and impartial elders, and thus a settlement is sought without the necessity of having to appear
692 before the village council. When these efforts fail, or when the
674 seriousness of the offence or dispute warrants it, it is taken to the headman or to one of the elders with a specific request that it be decided by the village council. On the other hand, elders may take cognizance of a serious matter and may themselves bring it to the notice of the village council. Of course all cases of murder, serious theft, and grievous bodily injury, as well as of default in payment of substantial loans are taken to the criminal and civil courts. Abduction and adultery can be referred to law courts; but generally they are taken either to the village council or to the caste council. Misconduct with a married or unmarried woman, running away with a married woman, default in fulfilling the terms and conditions of a marriage contract may similarly be referred to either or both the caste council and the village council. Of the two, whichever happens to be more powerful and effective attracts most of these marginal cases to itself. Personal disputes, minor property and land disputes, sex offences and conflicts arising out of breach of contract generally come up for hearing and decision before the village council.

695 The composition of the village council has been described earlier.[1] When cases come up for hearing before it, the proceedings are carried on with considerable dignity. Available evidence and eye-witnesses are examined. The motive for the offence, and the situation in which it was committed—particularly its immediate cause, as well as presence or absence of provocation—are also taken into account. Outwardly an attitude of objectivity and impartiality is maintained by everyone; although in reality the rival factions within the council try to tip the scale their own way so that the evidence may later be construed in such a way that it may prove advantageous to the client to whom they have already promised their support. At the time of actual decision the parties to the dispute have to withdraw, allowing the council freedom to discuss and analyse the issues involved. Divergent and often contrary opinions may be expressed by the rival factions at this stage.

1 [Cf. at 116, pp. 45-6, --ANALYST]

1: Dube E-5 (1951-52) 1955 AW17 Telugu AW17

But when the decision is announced, it is done so in a manner that indicates unanimity among the members. Besides attempting arbitration and mediation, the village council also administers punishment when a person's guilt is proved. The nature of punishment itself differs in different categories of cases, also on the basis of persons involved in the dispute. It ranges from a simple warning to a complete social boycott; the intermediate stages being stern admonition, firm demand for apology, compensation to the aggrieved, and fining.

Absence of internal unity within the council has undermined its authority considerably. The fact that some of its members allow and encourage their protégés to defy—fully or partially—its decisions, contributes further to its growing weakness. Dissatisfied with its judgement one can always take the case to a regular court of law where the decision of the council may be reversed.

With these preliminary observations we can now proceed to examine a few illustrative cases which represent typical situations met with in the life of the community:

(1) V. R. R. and his brother B. live together. Their parents are dead, and being minor B. lives with his elder brother. V. R. R. has had elementary education. Being married into a respectable lower middle-class family in the city, and himself with some experience of urban life, V. R. R. regards himself as the leader of a band of city-influenced youth. As most of his time is spent in loafing, planning mischief, gambling, drinking and instigating people to quarrel, he cannot devote much time to the land, and consequently the financial position of the family is not satisfactory. V. R. R. adds to his income by extorting money from the villagers by offering his advice, help and support—often for unjust causes—but this money is spent almost wholly on himself. B. is now an adolescent, and is fast approaching a marriageable age. Noticing his elder brother's indifference towards him, B. approached some of the elders of his caste. His main complaints were: (*a*) V. R. R. does not spend his (B.'s) share of the land and its produce on him. (*b*) Nothing is being saved for his marriage. One day V. R. R. lost his temper over some trifling issue and scolded his younger brother. B. ran to E. D. R.—an influential man in the village, and the hereditary leader of his caste. Fearing that B. might be beaten by his elder brother, E. D. R. accompanied him to his house and asked V. R. R. to come out of the house and listen to

25: Whitehead M-3 (no date) 1921 AW1 India
TELUGU AW17

755 776 782 village should come and steal it. The idea is that if any man from another village should take away and carry home even a small part of the blood, that village would get the benefit of the sacrifice. The head of the buffalo is then cut off and placed before the image, with a layer of fat from its entrails smeared over the forehead and face, so as to cover entirely the eyes and nose. The right foreleg is cut off and placed crosswise in the mouth, some boiled rice is placed upon the fat on the forehead, and on it an earthenware lamp, which is kept alight during the whole of the festival. Why the right foreleg should be cut off and placed in the mouth, and what the meaning of it is, I have never been able to discover nor can I conjecture. When I have asked the villagers, they only reply, "It is the custom." But I have found the custom prevailing in all parts of South India, among Tamils, Telugus, and Canarese alike, and I have been informed that exactly the same custom prevails in the Southern Marāṭhā country. It seems to be a very ancient part of the ritual of sacrifice prevailing in South India.[1] This completes the presentation of the sacrifice to the goddess, who is supposed to delight in the food offered, and especially in the blood. A great deal of the food offered is, as a matter of fact, taken

[1] Maharaja Sir V. S. Rañga Rao Bahadur, G.C.I.E., C.B.E., writes in *The Asiatic Review* for January, 1919: "The Lord Bishop wishes to know why the leg of an animal is put crosswise in its mouth after it has been sacrificed before the village goddess. Among the menial castes of a village there is the practice of a guilty man putting a piece of dry grass crosswise in his mouth when he goes to the head of his village to ask his pardon. It denotes that he has committed a wrong act, as a beast. In places where grass is not available, the person in question puts the first finger of his right hand crosswise in his mouth with the same idea or purpose. Here the animals are sacrificed before the village gods and goddesses by the people in the expectation, or rather with the firm belief, that their sins will be forgiven by those deities, and that their consequences will be thus averted by means of those sacrifices. Instead of putting their fingers in their mouths, as stated before, they put the animal's leg (generally the right leg) crosswise in its mouth. Though I am not sure that this is the explanation of this practice, I presume that it must be along these lines, as no other ground is traceable."

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and orders and for seizing, selling and delivering movable properties under this Act. 692

B. Finance: The income of the Village and Panchayat Courts mainly consisted of the fees charged for the process, for the execution of decrees and for the supply of copies of decrees and other records. The village officers like the Munsif and the Karnam and the other village servants were hereditary with fixed pay and incomes. The members of the Panchayat Court were all honorary and as such the establishment expenses were practically nil. This was the main advantage of the administration of justice by the Village Courts and Panchayats Courts. As no legal practitioners were essential to appear either in civil or criminal proceedings, the parties were saved from the expenses of litigation, while they were enabled to have effective and early justice. 692 651

C. Functions: The Village Courts and the Panchayat Courts had both Civil and Criminal Jurisdiction. 692

Civil Jurisdiction: The civil suits admissible before these Courts were for claims not exceeding Rs. 50 or upto Rs. 200 with the written consent of both the parties. The President or members should not decide cases to which they were parties. Cases which were once tried by another Court of competent jurisdiction were not to be entertained and claims which were once judiciously reduced could not be raised again. After serving the summons on the parties by the village servants, cases were fixed for hearing and if the defendant failed to appear, the Court was competent to give an exparte decree. Legal practitioners were allowed to appear on behalf of any parties. Witnesses were summoned to give evidence, if they were within 5 miles distance and if the distance was more, the Munsif of the other village was intimated to take interrogation of the witness and to send it. Women who according to the custom could not be called in public or if they were sick, were heard at home. After hearing the parties and recording evidence, the Village or Panchayat Court was to arrive at just and fair judgement. 695

Criminal Jurisdiction: The Provincial Government might by a notification in the Gazette empower a Panchayat Court to try all or 692